

Findings and Recommendations:

KEY FINDINGS

KEY FINDINGS

DCCP oversees 14 contracted group and shelter homes throughout the District for both male and female committed⁹ and detained¹⁰ youths ages 12-21. According to YSA officials, group homes house committed youths, and shelter homes are used exclusively for detained youths and runaways. The group and shelter homes are to provide youths with security, supervision, residential and community support services, in addition to educational, therapeutic, recreational, and cultural enrichment programs. The team confirmed that these services and activities are in fact being provided, but did not attempt to evaluate their quality since that would have involved a review of confidential records that was beyond the scope of this inspection.

1. Group and shelter homes operate without licenses in violation of District laws.

D.C. Code §7-2102(a) (2001) states, in part:

[i]t shall be unlawful to operate a facility in the District, whether public or private, for profit or not for profit, without being licensed by the Mayor. Each facility shall be licensed by both its type and the level(s) of care provided.¹¹

D.C. Code §7-2103 (2001)(a)(1) requires, in part, that:

[t]he Mayor shall, no later than 12 months after August 13, 1986, ... issue all rules necessary to carry out the licensure of group and shelter homes].

In September 2001, the District's Department of Human Services established Chapter 62 of Title 29 DCMR, entitled "Licensing of Youth Shelter, Runaway Shelters, Emergency Care Facilities, and Youth Group Homes."

29 DCMR § 6201.1 states:

[t]he purpose of this chapter is to provide for the health, safety, and welfare of children who are receiving care in a youth shelter, runaway shelter, emergency care facility, or youth group home through the formulation, application, and enforcement of minimum standards and requirements for the licensing and operation of facilities serving children. Nothing shall prevent the contracting entity from imposing more stringent standards by contract.

⁹ A commitment or "committed youth" is defined as a juvenile court disposition ordering an adjudicated delinquent be held, for a definite period of time in the state's delinquency agency, typically in a training school or other secure institution.

¹⁰ A detainment or "detained youth" is defined as the temporary custody of juveniles who are accused of a delinquent act and require a restricted or secure environment for their own or the community's protection while awaiting a final court disposition.

¹¹ There are two exceptions to this statute. The first, D.C. Code § 7-2102(b) states: [f]acilities that before August 13, 1986, were not or would not have been subject to District licensure may operate without a license until 6 months after the issuance of applicable rules under § 7-2103. The second exception, found at D.C. Code § 7-2102 (c), permits facilities applying for licensure renewal or initial licensure under section 7-2102 (b) to continue lawful operations as long as they timely file a completed application for licensure which the Mayor fails to act on prior to the expiration of a current license or an authorized period of operation.

KEY FINDINGS

29 DCMR § 6202.4 states:

The Department of Human Services, Youth Services Administration (YSA) shall license youth residential facilities intended primarily for detained or delinquent youth or PINS.

The team found that none of the 14 YSA contracted group and shelter homes are licensed, and prior to April 2004, YSA had not required these facilities to be licensed. In April 2004, YSA established a licensing unit and provided licensure application packages to both current and potential contracted group and shelter homes. The licensing unit is comprised of a Senior Licensing and Certification Manager and two Licensing and Certification Specialists. According to YSA officials, this licensing unit will assist contractors in meeting licensure requirements, as well as provide oversight of group and shelter home operations. YSA officials, however, could not specify a date by which all facilities would be licensed as required by District laws and regulations.

Because group and shelter homes are not licensed, neither YSA nor District stakeholders have assurance that these facilities meet minimum standards for health, safety, and the welfare of children in their care.

Recommendation:

That the A/YSA provide a timetable for all facilities to be licensed, and expedite YSA actions required to ensure that all group and shelter homes adhere to the licensing schedule.

Agree X Disagree _____

DHS's Response to IG's Recommendation:

By agreeing with this recommendation, DHS does not necessarily agree with OIG's factual findings. First, YSA does have a timeframe for the completion of facility licensure. As discussed below, the licensure process should be complete by January 31, 2005, for all current shelter and group home facilities. While the Council of the District of Columbia enacted the Youth Residential Facilities Licensure Act of 1986, implementation of this legislation was not possible until rules and regulations were published in May 11, 2001. Due to budgetary and staffing constraints, YSA was unable to establish a licensure unit within the agency until April 2004.

Second, licensure alone does not provide "assurance that these facilities meet minimum standards for health, safety, and the welfare of children" as the narrative above suggests. As the legislation itself suggests, licensure is only one part of a two-pronged approach that includes entering into a contractual agreement with the vendor that is operating a particular facility. At the time of this audit, YSA contracted with 14 group and shelter facilities. However, prior to the completion of this audit and as a result of an internal review of the facilities by YSA's Division of Court and Community Programs (DCCP) Licensure Unit, YSA removed children from four

KEY FINDINGS

facilities because minimum standards were not being met. The agency will not return children in these locations unless and until these facilities meet the licensing standards as contained within Chapter 62 of Title 29 DCMR.

YSA is in the process of licensing the remaining 12 facilities and other applicants. The licensing of these facilities will be completed in phases consistent with all components within the Youth Residential Facilities (YRF) Licensure Act of 1986. The implementing rules require that all facilities create or produce:

- The YRF application;
- Statement of ownership;
- Certificate of occupancy;
- One year projected operating budget;
- Documentation of sufficient funds;
- Financial statements;
- Insurance information;
- Fire safety plan;
- Staffing plan;
- Staff roster;
- Abuse, neglect and other risks procedures;
- Emergency medical needs plans;
- Emergency mental health plans;
- Criminal checks;
- Child protection register checks;
- Staff medical examinations;
- Drug and alcohol testing results;
- Specific information concerning other facilities;
- Status of court and administrative proceedings;
- Status of corrective actions, fines and penalties; and
- Outline of the eight compliance plans.

The applicant is required to present the above-listed material to the Licensing Unit to ensure compliance with the Youth Residential Facilities Licensure Act of 1986. Therefore, the timeframe for which a facility is licensed depends primarily on the perspective providers and the specific procedures built into the process. Currently, the remaining 12 providers are participating in the mini-review process. This review is the initial phase that provides written feedback to the providers as to the present status of their licensing material. This written report provides a maximum of 45 days to complete the information. Upon receipt of the second submission or response to the mini-review, the provider has an additional 45 days. This licensing effort is a new venture to all the stakeholders; therefore, the licensing unit must work with the providers to ensure that YSA maintains the requisite bed capacity for our detained and committed youth population. Upon completion of the process, all group and shelter homes contracting with the YSA will receive a license by January 31, 2005.

KEY FINDINGS

2. **YSA's group and shelter homes operate without valid contracts and written criteria for services, and are paid for undelivered services.**

D.C. Code § 2-301.05(d)(1)(Supp. 2003), as amended by the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85) states:

[n]o District employee ... shall authorize payment for the value of supplies and services received without a valid written contract.¹²

The team found that all 14 homes providing services to DCCP have operated without updated or new contracts with DHS since 1996,¹³ and in FY 2003 were paid approximately \$6.3 million. One facility was paid \$603,094 to provide overnight runaway services for a maximum of five youths per night. This amounts to approximately \$120,000 annually per youth.

The team found that DCCP has no written criteria for the services it requires from these contractors. Without current contracts, the team was unable to determine the bases for these contractors being paid.

Despite the lack of valid contracts, YSA officials stated that payments to these group home vendors were required due to a 1996 court order.¹⁴ YSA officials also stated that contracts have not been re-negotiated because all group and shelter homes operating under a negotiated contract prior to 1996 continued to operate under the court order following the expiration of their original contracts. Officials further stated that consistent with the order, YSA continued to reimburse group and shelter home providers for services provided to detained and committed youth.

According to YSA officials, from 1996 to 2003, DHS/YSA has attempted to release several traditional and therapeutic group and shelter home Request for Proposals (RFP) in order to initiate new contracts. However, the *Jerry M.* plaintiffs opposed various components of each RFP that YSA developed, and none were released. The team requested copies of the RFPs and documentation of the *Jerry M.* plaintiff's specific objections. As of this writing, YSA had not complied with this request.

¹² This subsection does not apply to a payment required by court order, a final decision of the Contract Appeals Board, or an approval by the Chief Procurement Officer for ratification.

¹³ YSA's Group and Shelter Home Services are paid by direct payment. When invoices are received by YSA Procurement Officials in Laurel, Maryland, a certification form is completed and sent to DCCP for verification and approval purposes. Once approved by DCCP for payment, invoices and certifications are returned to Procurement Officials in Laurel, Maryland. The invoices and certifications are then forwarded to the DHS Accounts Payable Department for payment.

¹⁴ In 1996, a D.C. Superior court Judge issued an Order in *Jerry M v. District of Columbia*, Civil Action No 1519-85, ordering YSA to reimburse all vendors providing services pursuant to the *Jerry M* Consent Decree. The order stated that all vendors "shall be paid within 45 days of receipt for any amounts certified by Youth Services Administration as correct." And finally, "all vendors will continue to be paid pursuant to this court order for all services rendered until such time as contracts are executed and in place."

KEY FINDINGS

The absence of current and valid contracts makes it difficult for YSA and District stakeholders to determine if vendors have provided all deliverables they have been paid to provide, and if the best services for the dollars paid have been received.

Recommendations:

- a. That the A/YSA directs the YSA Procurement Officer to develop RFPs to solicit competitive bids among existing and potential vendors for group and shelter homes.

Agree _____ **X** _____ Disagree _____

DHS's Response to IG's Recommendation:

By agreeing with this recommendation, DHS does not necessarily agree with OIG's factual findings. As this report acknowledges in footnotes 12 and 14, on August 18, 1996, District of Columbia Superior Court Judge Richard A. Levie ordered YSA to reimburse vendors who provide services under the *Jerry M.* Consent Decree within 45 days of receipt for any amounts certified by YSA as correct. The Court ordered that the terms of the expired contracts remain the same as those set forth in the original contract, and that all vendors continue to receive payment for all services rendered until such time as contracts are executed and in place. Since the payments from YSA to the group and shelter homes are required by the 1996 court order, D.C. Code § 2-301.05 (d)(1) does not apply. The written criteria for the services that YSA requires from the group and shelter home contractors are memorialized in the original ratified contracts with each contractor.

Nevertheless, YSA recognizes that, concurrent with its ongoing licensure initiative, new RFPs must be developed to solicit competitive bids for services from among existing and potential vendors for group and shelter homes. YSA, in conjunction with the Office of Contracting and Procurement (OCP), already developed and issued RFPs for traditional and therapeutic group homes on May 10, 2004. The proposals received from potential vendors are currently under evaluation by YSA staff and YSA, through OCP, will award contracts upon the conclusion of the evaluation. YSA will also release an RFP for a vocational group home.

- b. That the Office of the Inspector General's Audit Division conduct an audit of all payments for services provided by the group and shelter homes.

Agree _____ Disagree _____ **X** _____

DHS's Response to IG's Recommendation:

YSA's newly-created Divisions of Support Services (DSS) and Performance Management (DPM) are responsible, respectively, for monitoring payments to and performance by group and shelter home vendors. While YSA appreciates the offer of assistance, as discussed in connection with OIG's Part One Final Report of Inspection, at page 62-63, the DSS Deputy Administrator will be auditing all YSA contracts for FYs 2003 and 2004.

KEY FINDINGS

OIG Response: **Actions planned and taken by YSA may address the conditions noted. However, the Inspection Team stands by its recommendation that the OIG Audit Division conduct an audit of all payments for services provided by the group and shelter homes.**

3. **Inadequate maintenance at some group and shelter homes and lack of training of monitors pose health and safety risks to youths and employees.**

29 DCMR § 6235.1 states:

[t]he facility shall keep records of routine maintenance and cleaning in all areas.

In addition, 29 DCMR § 6235.2 states:

[t]he facility shall replace or repair broken, run-down or defective furnishings, carpeting, and equipment. Outside doors, windows and other features of the structure necessary for security shall be repaired within twenty-four (24) hours.

ACA recommends that group and shelter homes conform to all applicable state and local building codes. Those who monitor these homes should be properly trained in health and safety inspections, as well as applicable state and building codes.

DCCP's Licensing, Monitoring, and Quality Assurance Unit (LMQA) is responsible for monitoring and overseeing the operations of the contracted group and shelter homes providing services to YSA. The unit assesses contractors' compliance with contractual agreements with YSA, and inspects facilities for compliance with District Health and Safety regulations. YSA Program Monitors (monitors) assigned to the unit carry out these functions during quarterly inspections.

The team conducted a physical assessment of the 14 YSA contracted group and shelter homes and reviewed LMQA's quarterly inspection reports. The team documented the following conditions in many of the homes (See photos following page 21):

- rear physical structures supported only by 2x4 wood beams;
- accumulation of trash outside the homes;
- broken windows covered in plastic;
- exposed, rusting, and leaking pipes;
- exposed electrical wiring, and dangling electrical light fixtures;
- broken and unstable stairwells and banisters;
- dislodged gutters and drainage pipes;
- doors dislodged from hinges
- walls with holes and covered with graffiti;
- missing and dislodged tiles in bathrooms and kitchens;
- improper storage of supplies;
- obstructed exits to doors and windows;
- improperly vented clothes dryer;

KEY FINDINGS

- leaking water heaters and rusted boilers;
- dilapidated furniture and bed furnishings; and
- torn and tattered carpeting.

Although many of these conditions were cited on LMQA inspection reports provided to the contractors, the team found that cited deficiencies were not abated in a timely manner. LMQA monitors stated that while many of the deficiencies are due to the age of the homes, others reflect a lack of general maintenance by the contractors. Monitors further stated that YSA monitors have limited sanctioning authority to enforce abatement of deficiencies because the contractors do not have valid contracts, and the facilities are not licensed. Monitors also stated that in the event deficiencies pose a health and safety risk to youth, they can recommend immediate closure of the facility; however, placement options for youths are limited, and this has a direct impact on whether or not a recommendation is made to close a facility.

The team also found that LMQA monitors have not received training in District building code regulations, and were not certified to make assessments regarding possible building code violations that the team found in many of the group homes.

The team found that although YSA group and shelter homes have obtained certificates of occupancy issued by the Department of Consumer and Regulatory Affairs (DCRA) the building code inspection requirements for certificates of occupancy are a one-time requirement. Subsequent building code inspections are not required by DCRA to maintain certificates of occupancy and the team documented certificates of occupancy issued to some group and shelter homes dating back to 1994.

Due to inadequate repairs and maintenance and a lack of proper training for LMQA monitors, YSA cannot ensure the health and safety of youth and employees residing in group and shelter homes, or that building code violations are abated in a timely manner.

Recommendations:

- a. That the A/YSA request an inspection of all group and shelter homes by the District of Columbia Office of Risk Management to determine whether there are health and safety hazards present, and expedite the abatement of any deficiencies found .

Agree _____ Disagree X

DHS's Response to the IG's Recommendation:

YSA's newly-created Division of Performance Management is responsible for monitoring vendor performance, including whether group and shelter homes present health and safety hazards. This responsibility formerly rested with the DCCP, which also was responsible for placement of youths in these facilities. DPM is recruiting an environmental specialist or sanitarian that will conduct the physical inspections of all facilities to ensure compliance with all applicable building codes and standards in the District of Columbia.

KEY FINDINGS

OIG Response: **Actions planned and taken by YSA may address the conditions noted. However, since the position for an environmental specialist or sanitarian has not been filled, the Inspection Team stands by the recommendation in the interest of quickly abating any health and safety hazards.**

- b. That the A/YSA request an inspection by the Department of Consumer and Regulatory Affairs to determine whether there are building code violations present and take the necessary steps to expedite the abatement of any deficiencies found.

Agree X Disagree

DHS's Response to IG's Recommendation:

By agreeing with this recommendation, DHS does not necessarily agree with OIG's factual findings. YSA will enter into discussions with DCRA to determine whether one of its inspectors is necessary given that DPM is recruiting an environmental specialist or sanitarian that will conduct the physical inspections of all facilities to ensure compliance with all applicable building codes and standards in the District of Columbia.

- c. That the A/YSA provide training and certification to LMQA monitors to ensure that they are equipped to properly monitor group and shelter homes.

Agree X Disagree

DHS's Response to IG's Recommendation:

By agreeing with this recommendation, DHS does not necessarily agree with OIG's factual findings. Consistent with American Correctional Association (ACA) standards for Juvenile Community Residential Services, YSA will make training and certification available to its LMQA staff.

- d. That the A/YSA require the LMQA to recommend immediate closure of group and shelter homes if there are life threatening health and safety issues.

Agree X Disagree

DHS's Response to IG's Recommendation:

By agreeing with this recommendation, DHS does not necessarily agree with OIG's factual findings. To the extent "there are life threatening health and safety issues" at a group or shelter home, youths will be removed from the facility whether or not that action is termed a "closure" as the recommendation suggests. As stated above, YSA already removed youth from four facilities during the time of this audit.

KEY FINDINGS

4. The lack of regular and adequate fire inspections may put group and shelter home residents and employees at risk.

According to the ACA, “local and state fire codes must strictly be adhered to in order to ensure the safety of juveniles and staff.” ACA recommends that:

- Group and shelter home facilities comply with the regulations¹⁵ of the state or local fire safety authority,¹⁶ whichever has primary jurisdiction over the facility; and that
- An annual fire inspection be conducted by local fire officials.

YSA policies and procedures require that the YSA Health and Safety Officer conduct monthly fire inspections, and that the health and Safety Officer be knowledgeable of the District’s Fire Prevention Code.

The team found that annual inspections are not conducted by the District of Columbia Fire and Emergency Medical Services (FEMS), Fire Prevention Bureau. LMQA employees stated that group and shelter homes underwent initial fire and safety inspections when DCRA issued certificates of occupancy; however, annual fire inspections have not been conducted since that time.

Although LMQA employees conduct limited quarterly fire inspections, they do not conduct the monthly fire inspections required by YSA policy. The quarterly inspections only verify the presence of working fire extinguishers and smoke detectors, although employees have been trained to ensure that there is compliance with the District’s Fire Prevention Code. These limited inspections do not address any other requirements of the District’s 1996 Fire Prevention Code, and the team noted potential fire hazards in some homes, such as improper storage of flammable chemicals, an accumulation of trash in basement areas, and obstructed entrances and exits.

The lack of regular and adequate fire inspections inhibits YSA’s ability to detect and correct fire hazards, and may result in serious injury to youths and employees in the event of a fire emergency.

Recommendations:

- a. That the A/YSA immediately request an inspection of all group and shelter homes by the District of Columbia FEMS, Fire Prevention Bureau in accordance with ACA recommendations.

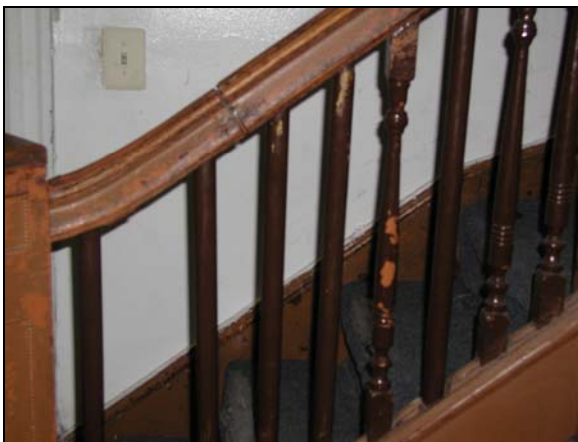
Agree _____ **X** _____ Disagree _____

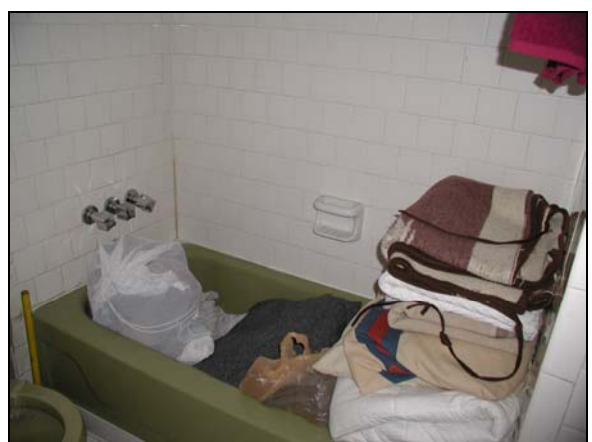
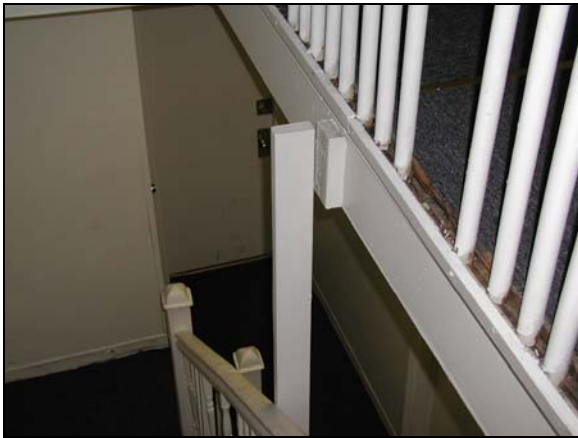
¹⁵ District of Columbia 1996 Fire Prevention Code.

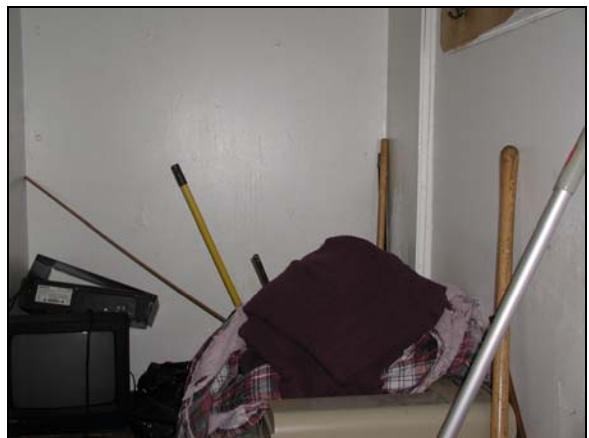
¹⁶ The District of Columbia FEMS, Fire Prevention Bureau.

















KEY FINDINGS

DHS's Response to IG's Recommendation:

By agreeing with this recommendation, DHS does not necessarily agree with OIG's factual findings. Due to the licensing process, all facilities must conform to Chapter 62 of Title 29 DCMR §§ 6233 – 6233.7, Fire and Carbon Monoxide Protection and Prevention. In summary, these provisions set forth the required fire standards and protocols for inspections. These include but are not limited to: implementation of a fire safety and evacuation plans posted and approved by the Fire and Emergency Medical Services; the frequency of fire drills; the records that the facility must maintain regarding all fire and safety activities; and number and operability of fire extinguishers and smoke/carbon monoxide detectors. The YRF regulations are at least comparable if not exceeding the ACA recommendations. Every facility must conform to the aforementioned standards prior to licensure.

- b. That the A/YSA ensure that FEMS is asked to conduct annual fire safety inspections of all group and shelter homes, as recommended by ACA.

Agree _____ **X** _____ Disagree _____

DHS's Response to IG's Recommendation:

By agreeing with this recommendation, DHS does not necessarily agree with OIG's factual findings. YSA will enter into discussions with FEMS to determine whether one of its inspectors should conduct annual fire safety inspections and to implement such inspections.

- c. That the A/YSA ensure LMQA employees conduct monthly fire safety inspections, and that these inspections address the requirements set forth in the District's Fire Prevention Code.

Agree _____ **X** _____ Disagree _____

DHS's Response to IG's Recommendation:

By agreeing with this recommendation, DHS does not necessarily agree with OIG's factual findings. YSA will enter into discussions with FEMS to ascertain their recommendation for the frequency of such fire inspections (*i.e.* monthly, quarterly, semi-annually or annually) and to provide training for staff.

5. Group and shelter home contractors do not conduct adequate employee criminal background checks, and employ persons with criminal convictions.

29 DCMR § 6228.2 states:

[a]ll prospective and existing staff shall undergo a criminal records check prior to commencing work at any facility. The facility shall obtain the written approval of the licensing

KEY FINDINGS

agency and the contracting entity prior to employing any person who has been convicted of the following offenses or their equivalents:

- (a) Fraud; or
- (b) A drug related offense.

29 DCMR § 6228.4 states:

[a]ll prospective and existing staff shall undergo a child protection registry check prior to commencing work at any facility. No facility shall allow any person to serve as a staff person who has been:

- (a) Identified as a possible abuser or neglecter in a currently-pending child abuse or neglect case; or
- (b) Adjudicated as the abuser or neglecter in a child abuse or neglect case.

29 DCMR § 6228.3 states:

[n]o facility shall allow any person to serve as a staff person who has a conviction for any of the following offenses or their equivalents:

- (a) Child abuse;
- (b) Child neglect;
- (c) Spousal abuse;
- (d) A crime against children, including pornography; or a crime involving violence, including but not limited to, rape, sexual assault, homicide and assault.

29 DCMR § 6230.3 states, in part, that:

[t]he facility shall maintain an accurate personnel record of each staff person, including all employees of the facility and any other person (including, without limitation, volunteers, independent contractors, and vendors) regularly providing services at the facility. The personnel record shall include:

* * *

- (c) Reports of criminal records and child protection register checks as required by § 6228.2 and § 6228.4.

KEY FINDINGS

According to LMQA monitors, all candidates for employment in group and shelter homes undergo a local background check conducted by the Metropolitan Police Department (MPD). ACA recommends however, that in addition to a local records search, a background check should include surrounding law enforcement jurisdictions, as well as the Federal Bureau of Investigation's National Crime Information Center (NCIC) and a review the Central Registry of Crimes Against Children/Sex Offenders. In addition, best practices support annual background checks for all employees.

The team reviewed contract group and shelter home employees' personnel records and found:

- some employee records did not contain verification of a MPD criminal background check;
- none of the group and shelter home operators conduct NCIC background checks or reviews of the Central Registry of Crimes Against Children/Sex Offenders as part of the background check;
- group and shelter home vendors were found to have employed persons with criminal convictions, including murder, burglary, and drug-related offenses; and
- background checks of employees are not updated annually.

Without adequate background checks on employees who interact routinely with youths, contractors may unknowingly hire or have currently employed individuals with a history of violence, abuse, or other criminal behavior who could endanger the youths entrusted to their care. In addition, the current practice of hiring employees with known criminal convictions creates an unnecessary and unacceptable risk to YSA youths, their families, and the District government.

Recommendations:

- a. That the A/YSA ensure that all candidates for employment and current contract employees who maintain regular contact with youths undergo a MPD criminal background check as required by current policy.

Agree **X** Disagree _____

DHS's Response to IG's Recommendation:

By agreeing with this recommendation, DHS does not necessarily agree with OIG's factual findings. Prior to the implementation of the Youth Residential Facilities Act of 1986, a criminal background check for employment purposes was not required. Since the implementation of Chapter 62 of Title 29 DCMR § 6228.7, criminal background checks are now mandatory. The licensing regulations read that: "the facility shall test all prospective and existing staff for drug and alcohol use ...". The subsections further discuss the procedures that each facility will use in an effort to obtain required clearances. YSA's licensing unit again exceeds the standards by requesting one criminal check in the jurisdiction for which the employee or perspective employee lives, one clearance from the District of Columbia, and a final check from the Federal

KEY FINDINGS

Bureau of Investigation (FBI). The results of said clearances are submitted to the licensing unit for review by the contracting and licensing entity. The facility is expected to maintain the test outcomes in the individual's personnel file.

- b. That the A/YSA develop an internal policy that requires annual updates of criminal background checks for contract employees.

Agree X Disagree

DHS's Response to IG's Recommendation:

By agreeing with this recommendation, DHS does not necessarily agree with OIG's factual findings. The licensing procedures require criminal clearances annually for all contractor employees. To ensure compliance, the licensing specialist will receive a copy for the licensing renewal process and the monitor assigned to the facility and licensing specialist will review the personnel records annually.

- c. That the Director of the Department of Human Services propose legislation to the City Council that would require complete background checks for appropriate contract employees, to include not only a check of records at MPD but surrounding law enforcement jurisdictions, an NCIC check, and a review of the Central Registry of Crimes Against Children/Sex Offenders and a Child Protection Registry Check.

Agree X Disagree

DHS's Response to IG's Recommendation:

By agreeing with this recommendation, DHS does not necessarily agree with OIG's factual findings. There currently is in place emergency and temporary legislation that requires these background checks. Moreover, YSA's licensing unit, in accordance with the licensing regulations, requires each employee to obtain a Child Protection Registry clearance in their jurisdiction of residency. YSA will consult with the Central Registry of Crimes Against Children/Sex offenders to ascertain access to their data and ensure this is not a redundant action given the required clearances of Chapter 62 of Title 29 DCMR.

- d. That the A/YSA ensure that contractors discontinue the practice of employing persons with criminal convictions.

Agree X Disagree

DHS's Response to IG's Recommendation:

By agreeing with this recommendation, DHS does not necessarily agree with OIG's factual findings. In fact, this recommendation "that contractors *discontinue the practice* of employing persons with criminal convictions" may be worded too strongly. The technical assistance

KEY FINDINGS

provided by the licensing unit informed all providers and perspective providers of the parameters regarding hiring individuals with criminal convictions without written approval. Section 6228.2 states that “the facility shall obtain the written approval of the licensing agency and the contracting entity prior to employing any person who has been convicted of fraud; or a drug-related offense. Section 6228.3 further states that “[n]o facility shall allow any person to serve as a staff person who has a conviction for and of the following offenses or their equivalents:

- Child abuse
- Child neglect
- Spousal abuse
- A crime against children, including child pornography; or
- A crime involving violence, including but not limited to, rape, sexual assault, homicide and assault.”

6. YSA may be underutilizing a District Medicaid reimbursable, residential treatment facility that could be used to reduce the number of committed youths housed in costly out-of-state facilities and at OHYC.

Jerry M. Memorandum Order “B,” signed May 20, 1988, emphasizes the importance of local community-based programs and facilities. “[F]or most children, the closer they can be to their families while receiving services the better.” Order “B” at 5.

In 2001, the Mayor’s Blue Ribbon Commission on Youth Safety Juvenile Justice Reform reinforced this belief and the need to return youths from out-of-state placements, “in order to bring children and youth closer to their home and families.” Blue Ribbon Commission on Youth Safety and Juvenile Justice Reform, Final Report of the Blue Ribbon Commission on Youth Safety and Juvenile Justice Reform 24 (Nov 6, 1991) (unpublished). The Commission report also addressed the issue of annual expense to the city, as Medicaid does not reimburse many of the costs related to these out-of-state facilities. “A total of 178 youth [were] in out-of-state residential placements as of September 19, 2001.”¹⁷ They remain in 12 states and the District of Columbia at an estimated annual cost of over \$6 million.”¹⁸ *Id.* At p.18, As of May 2004, there were still approximately 150 youths in-out-of state residential facilities.

The team interviewed program managers and toured a D.C. Medicaid provider’s residential facility in northeast Washington that provides comprehensive mental health and educational services to learning disabled or emotionally disturbed youths in a secure environment.¹⁹ The facility can provide “structured, therapeutic living” for up to 56 residents, and supports a public school, chartered by DCPS, that has the capacity for 70 youths and is fully

¹⁷ These 178 youth do not include youth who were, at the time, located in contracted group and shelter homes located in the District.

¹⁸ Approximately 80% of these youth were located in facilities outside the District in the states of AL, CO, GA, MD, TN, FL, PA, MO, UT, VA, MN, and CT.

¹⁹ The facility has alarmed, delayed egress locks on all exterior doors.

KEY FINDINGS

accredited by the Joint Commission on Accreditation on Healthcare Organizations²⁰ in both outpatient and residential adolescent mental health services.

On the day of the tour, only 14 of the 56 available residential placements were filled and only one of the 14 youths was placed by YSA. When asked why the facility was not populated with more YSA committed youths, facility personnel stated that DCCP staff members believe the facility's admission criteria are too stringent and restrictive because the facility mainly targets youths who are either learning disabled or emotionally disturbed.

However the *Assessment of Order B Compliance* report supports the view that many YSA youth have significant educational and emotional needs.

[The compliance team's] record review in 2002 revealed that committed youth have significant educational and emotional needs ... (57%) had indications in their records that they were in special education (33%) had indications in their records that they had previously been in CFSA custody as neglected or abused children. A large number of the committed youth ... were grieving deaths of family members.

Assessment of Compliance with Order B at 23.

The team believes this facility affords YSA an excellent opportunity to reduce the number of youths in out-of-state residential treatment facilities, and better utilize Medicaid funds.

Recommendation:

That the A/YSA designate an internal point of contact at YSA who would be responsible for a review of all youths currently residing in out-of-state residential facilities to identify those who might be better served by this in-town, therapeutic, Medicaid reimbursable residential facility.

Agree _____ Disagree _____ **X** _____

DHS's Response to IG's Recommendation:

YSA maintains one full-time Residential Placement Coordinator and one full-time Staff Assistant responsible for managing placement and step-down transition for youth. YSA is fully

²⁰ <http://www.jcaho.org>. The Joint Commission on Accreditation of Healthcare Organizations (JCAHO) is an independent, not-for-profit organization, established more than 50 years ago. JCAHO is governed by a board that includes physicians, nurses, and consumers. JCAHO evaluates the quality and safety of care for nearly 16,000 health care organizations. To maintain and earn accreditation, organizations must have an extensive on-site review by a team of JCAHO health care professionals, at least once every three years. The purpose of the review is to evaluate the organization's performance in areas that affect [patient] care.

KEY FINDINGS

aware of the facility to which this report refers and disagrees with its characterizations of YSA's position and its ability to provide services to our youths. In May 2004, YSA began assessing all youth in out-of-state, long-term residential programs to determine those who could be potentially served by the facility. From June to July 2004, YSA referred roughly 12 youths who met the facility's admission criteria. Unfortunately, each youth was denied admission due to the facility's interpretation of zoning regulations under the Fair Housing Act. In July 2004, YSA received a letter from the facility stating that "at this time [the facility] cannot admit YSA youth into the residential program."

OIG Response: **The Inspection Team stands by its recommendation. A representative at the facility in question confirms that in late June 2004, they identified problems in the zoning regulations. Consequently, the facility, on its own initiative, temporarily suspended admission of YSA youths into the residential program until these issues could be clarified to their satisfaction by District officials.²¹ However, the Inspection Team was told that the facility only received 4 referrals from YSA from June to July 2004, not 12. The Inspection Team encourages YSA to pay particular attention to the resources of this facility, and increase its referrals to the facility if the zoning regulation issues are resolved.**

7. Inaccurate risk assessments, subsequent assignments to non-secure community facilities, and ineffective monitoring of youths increase the risk of abscondences.²²

Youths under 21 years old who are arrested and found guilty of criminal acts may be remanded by the court to the care of YSA. During what is called the "intake" process, the court may assign a youth to his or her family home, a group or shelter home sponsored by YSA, or to the District's OHYC in Laurel, Maryland. A youth's placement is based upon the seriousness of the offense, assessments by the Superior Court Social Services Division and YSA case managers of the youth's background and needs, facility and resource availability, and the risk of endangerment to the youth and the community.

a. Initial risk assessments of some youthful offenders may not accurately reflect the seriousness of their offenses, their extensive criminal backgrounds, or their potential danger to the community.

After youths charged with criminal offenses have been found guilty by the court, YSA's Court Liaison Unit gives them a Risk Assessment Score based on evaluations of the youth's family life, psychological state, and criminal history. Scores of 5-16 represent low to medium risk, and scores of 17-30 reflect high risk. High risk youths typically will go to a secure detention facility like OHYC, while low to medium risk youths may be sent to a community group home or treatment facility.²³ Some case managers stated that in spite of some youths' extensive criminal backgrounds, the seriousness or repetitiveness of their current charges, and

²¹ See Appendix 6

²² Absconders are youths who leave a YSA facility and do not return by a designated curfew hour or who do not return at all, and are considered to be missing.

²³ The Risk Assessment Score is also used to determine the types of services a youth will receive, such as individual and group counseling, psychological and medical treatment, and anger management classes.

KEY FINDINGS

hardened attitudes, a number of youths are inappropriately evaluated at this stage of the process as low to medium risk rather than high risk. They are subsequently sent to non-secure group homes from which they can easily abscond and resume their criminal behavior or engage in other antisocial activities. These inappropriate placements endanger community residents as well as the youthful offenders themselves.

b. Security procedures in some group and shelter homes are reportedly lax and inconsistent, and increase the risk of abscondences.

Also critical to the problem of abscondences is the quality of security and oversight of youths by employees of the group and shelter homes. By increasing security and instituting standard policies and procedures for monitoring the movement of youths into and out of group and shelter homes, YSA could reduce the risk of abscondences. During our inspection, the team found or was informed that:

- some youths are often permitted to enter and leave facilities at will;
- curfew times are inappropriate (youths at one group home who attend school are given an 8 p.m. curfew time, although schools normally let out between 3 p.m. and 4 p.m.);
- some facility operators reportedly are not monitoring or locking the doors of the facilities at night;
- some employees reportedly sleep during the evening when they should be monitoring the activities of youths;
- some youths who abscond are returned to the same group home after they are apprehended, which may result in repeated abscondences;
- some group home operators reportedly provide weekend and evening passes to youths without notifying the social workers or case managers responsible for those youths;
- an allegation was made that in some facilities, employees give out home passes indiscriminately to youths so they can shut down the group or shelter home over the weekend; and
- a parent alleged that during frequent visits to one group home, some youths within the home appeared to have been using illegal substances.

The purpose of placing troubled youths in group and shelter homes is to provide them with a stable and secure environment that ensures their welfare and the safety and protection of the public. Inadequate monitoring, ineffective security measures, improper placement of youths with a history of absconding, and inappropriate curfews increase the likelihood of abscondences and provides youths with opportunities to resume their criminal activities in the community.

A Management Alert Report (MAR 04-I-010 at Appendix 3) addressing these issues was sent to the A/YSA on July 30, 2004. A copy of the A/YSA's response to the MAR is included at Appendix 4. The team will follow-up on the A/YSA's progress in correcting problems cited in the MAR.

KEY FINDINGS

Recommendations:

- a. That the A/YSA collaborate with the Superior Court Social Services Division on a qualitative review of the intake assessment process. The objectives would be to (1) improve the decision making that leads to the assignment of youths to either secure or non-secure facilities; and (2) lower the risk of dangerous youthful offenders absconding back into the community where they might be harmed or harm others.

Agree X Disagree _____

DHS's Response to IG's Recommendation:

By agreeing with this recommendation, DHS does not necessarily agree with OIG's factual findings. In fact, YSA adopts and incorporates herein its eight-page response to Management Alert Report 04-I-010 (set forth as Appendix 4 to this report) given some of OIG's critical misunderstandings of how the District of Columbia's juvenile justice system works, which ultimately affects the quality of the recommendations themselves. Notwithstanding YSA's detailed response to the MAR, those misunderstandings persist in this report in the narrative above. With an interest toward improving performance, however, YSA agrees with the objective of OIG's recommendation and further comments as follows:

The Court Liaison Unit staffs apply the risk assessments in order to determine the feasibility for serving each youth referred in the least restrictive setting. Random monthly reviews of JIMS attest to the accuracy of the interviewers in obtaining factual information from respondents. The Program Manager has not detected any inaccuracies in the risk assessments. Since the development of the risk assessment tool, YSA has not had an opportunity to use the initial risk assessment score to determine community release. Assignments to non-secure community facilities are court-ordered.

The risk assessment tool has always been demonstrated to be an accurate tool in identifying potentially dangerous youth. As of August 15, 2004, the Court Liaison Unit (Screening Team) has screened 1137 probation detention cases for this calendar year. Only one youth for the year 2004 was placed in the juvenile cellblock with a court order that gave YSA discretion to determine community release. That youth was not directly placed in a community bed. All other detention youth are released to the community by way of the judge's order.

The issue of detained youth (who are placed in shelter beds or other placements by court order) as opposed to committed youth (who are placed by YSA in group home beds or other placements) is obscured in the opening paragraph. The risk assessment for newly committed cases has never been used as the sole determinant to decide placement of committed youth. Other than the fact that YSA provides staff secure and non-secure housing to both of these groups, detained and committed youth have little in common.

Statistically most youths under 21 years old who are arrested and found guilty of criminal acts are placed on probation. The offender that is committed and remanded by the court to the care of

KEY FINDINGS

YSA is usually placed at Oak Hill. The Social Worker and Aftercare Unit Supervisor determine community release. Risk Assessments are not the primary tool used for community release. How those youth perform once placed in the shelter facilities and how the facility reacts to violations is addressed in other sections of this report.

The risk assessment score is used as part of the YSA inventory to determine release. Each community release to shelter care (for detained youth) is authorized by court order with the recommendation of the intake probation officer who completes the social study. The youth is given a risk assessment score after he or she is screened by the CLU/ Screening Team in the juvenile cellblock and sent to the Central Processing Facility. At the Central Processing Facility, medical and mental health assessments are performed. When all five steps are completed (*i.e.* recommendation of the intake probation officer, court order signed by the judge, risk assessment score of 10 or lower, medical clearance, and no suicidal or homicidal ideations) and there is a shelter bed space available, the youth is placed.

If the YSA risk assessment score along with the inventory tools to include the youth's offense history does not support community release as recommended by the judge and court social services/intake probation unit, they are notified by the CLU staff. If the court still requires YSA to release the respondent, CLU notifies the receiving facility to be hyper-vigilant in monitoring the youth's performance. If all of the shelter care beds are full, the youth is placed on a roster in the numerical order they arrived at Oak Hill and are placed in the community according to the number assigned and the aforementioned five steps.

Committed youth placed in group homes are released at the recommendation of the Social Worker/Case Manager. The recommendation for community release is done with the authorization of the Aftercare Unit Supervisor, the commitment court order, the recommendation of the Oak Hill Treatment Team assigned to work with the youth, the parent or surrogate, medical, mental health clearances, risk assessment or re-assessment score, and all community service contracts in place. Any youth released to the community has met the behavioral guidelines for release and is not actively engaged in a pattern of behavior that suggest he is at risk to public safety, himself, or a risk for fight.

"Physical security" for group and shelter homes is prohibited by D.C. government fire codes. Community and client safety is addressed through staff and access to the same safety network available to all citizens. The issue of releasing dangerous offenders to the community is weighed against the respondent's performance. Many of the youth enter pleas to a lesser offense and on paper may not be identified as a serious offender. Therefore, YSA is dependent on accurate information as presented in the court social study. The mission of YSA is to rehabilitate, not punish; therefore, even potentially dangerous youth at some point during his or her rehabilitation will be eligible for community release.

YSA has met several times, over the past six months, with the Acting Director and Acting Deputy Director for the Superior Court Social Services (CSS) Division. Specifically, YSA has discussed the feasibility of the current intake assessment instrument and YSA's current limited level of input in the decision making process regarding those youth permitted to return home prior to disposition, as well as those youth remanded to shelter home placement. YSA recently

KEY FINDINGS

met with the Judges of the Family Court and will coordinate a series of meetings with CSS aimed at developing a single intake risk assessment instrument and strengthening the role of YSA and the Child and Family Services Agency (CFSA) in the decision-making process that determines the placement of youth.

- b. That the A/YSA review security and monitoring practices in all group and shelter homes and ensure that day-to-day operations serve to minimize the risk of abscondences, while meeting the requirements to provide residential care, treatment, and services for the youths.

Agree _____ **X** _____ Disagree _____

DHS's Response to IG's Recommendation:

By agreeing with this recommendation, DHS does not necessarily agree with OIG's factual findings. In fact, YSA adopts and incorporates herein its eight-page response to Management Alert Report 04-I-010 (set forth as Appendix 4 to this report) given some of OIG's critical misunderstandings of how the District of Columbia's juvenile justice system works, which ultimately affects the quality of the recommendations themselves. Notwithstanding YSA's detailed response to the MAR, those misunderstandings persist in this report in the narrative above. With an interest toward improving performance, however, YSA agrees with the objective of OIG's recommendation and further comments as follows:

YSA has conducted a review of the security and monitoring practices in all of its group and shelter homes specific to the overall services pertaining to the risk of abscondences. YSA has determined that additional staffing in most group and shelter homes is necessary to reduce significantly the extent to which youth abscond from these homes. To address this determination consistent with licensing efforts underway, YSA has released a RFP for therapeutic and traditional (*i.e.*, generic) group homes. Responses to the RFP were received on July 23, 2004. YSA is currently reviewing the proposals and will award contracts in the coming months that enable group home providers to operate at increased staffing levels for greater security at each home. YSA has also developed the statement of work (SOW) for shelter home RFPs and will be meeting with the OCP in the coming weeks to complete the RFP for release to the public.

- c. That the A/YSA review the feasibility of automatically placing youths who abscond from a group or shelter home into more secure facilities once they have been apprehended.

Agree _____ Disagree _____ **X** _____

DHS's Response to IG's Recommendation:

YSA adopts and incorporates herein its eight-page response to Management Alert Report 04-I-010 (set forth as Appendix 4 to this report) given some of OIG's critical misunderstandings of how the District of Columbia's juvenile justice system works, which ultimately affects the quality of the recommendations themselves. Notwithstanding YSA's detailed response to the

KEY FINDINGS

MAR, those misunderstandings persist in this report in the narrative above. With an interest toward improving performance, however, YSA agrees with the objective of OIG's recommendation and further comments as follows:

This recommendation ignores the critical differences between detained and committed youth and creates a false impression that there are no procedures in place to address repeat absconders. YSA has measures in place for recommending youths appropriate for placement in shelter homes; however, YSA does not determine those youths placed in shelter home. The courts are the final determinant for placing probation detention high-risk youth back into the community. While YSA has always been proactive in advising the court of high-risk cases, the courts maintain the final say regarding the placement of a detained or probation youth in shelter care. Once a placement determination is made by the courts, YSA must act accordingly, even in those cases in which a youth awaiting disposition has absconded from shelter care. For committed youth, as discussed in response to the MAR, YSA has a revocation process that ensures adherence to the youth's due process rights while protecting public safety.

OIG Response: **The OIG stands by this recommendation and believes this policy is necessary for three reasons: 1) youths who abscond (particularly high-risk youths with criminal histories) obviously require a more restrictive living environment; 2) abscondence indicates that a youth is not ready to be transitioned peacefully back into the community; and 3) such a policy would:**

- **reduce the likelihood that high-risk youths who have a history of absconding will be housed in loosely supervised and unmonitored facilities from which they can easily abscond and get into additional trouble in the community;**
- **reduce the risk of their being injured, or injuring others; and**
- **minimize the interruption of YSA-sponsored services, such as substance abuse treatment, medical treatment, counseling, and education.**

8. Absconder Locator Component (ALC) employees do not have the procedures or training to make more than minimal efforts to locate absconders, some of whom pose a threat to the community and to themselves.

The risk of youths absconding from group and shelter homes is a challenge for both YSA and the surrounding community. Currently, consistent and systemic efforts are not being made to minimize the number of youths in absconder status. Quick and determined efforts must be made to return absconded youths to their assigned group or shelter home as soon as possible in order to:

- limit the opportunity for youths to get into additional trouble in the community;
- reduce the risk of their being injured or injuring others; and
- minimize the interruption of services being sponsored by YSA such as substance abuse treatment, medical treatment, psychological and other counseling, and education.

KEY FINDINGS

DCCP documents show that since June 2001, 223 youths have absconded from YSA group and shelter homes. Sixty-nine²⁴ are still listed in absconder status and 23 have been missing for over 2 years. These youth are guilty of offenses ranging from unauthorized use of a vehicle to murder. (Appendix 2).

In 2003, YSA established an Absconder Outreach Initiative (AOI) and created the five-person ALC to locate absconded youth and assist law enforcement officials in returning them to YSA custody.²⁵ However, the team found that efforts to locate youth who have absconded have been minimal and ineffective. ALC employees have been working without a clearly articulated mission, position descriptions, policies and procedures, or written performance standards.

Employees stated that when the ALC was established, their duties consisted only of compiling data on absconded youths such as the number who have absconded from group and shelter homes, the number who have returned to their group or shelter homes, absconded youths who have “aged” out of YSA’s system by turning 21, and absconded youths incarcerated in state, federal, or juvenile detention centers. These tasks were performed telephonically, and ALC employees were not required to conduct field investigations.

a. ALC employees do not conduct field investigations on every youth who absconds.

The AOI requires that a field investigation be conducted on youths who abscond from government custody. Such an investigation should include in-person as well as telephonic inquiries at the last known residence; notification of family; questioning of friends and of officials at school, local jails, hospitals, welfare and services agencies, as well as other agencies with whom a juvenile may have had contact. The investigation should include canvassing a youth’s former neighborhood, schools, and places of employment.

Between August 2003 and April 2004, ALC documented only 20 instances when field investigations were conducted to locate the 68 youths currently in absconder status. Although procedures are being drafted, ALC employees stated that they have not been required by YSA management to conduct field investigations to locate absconded youths.²⁶ ALC employees have conducted some field investigations on their own initiative, but stated that they are hesitant to do so because they are untrained and lack arrest authority.

²⁴ One youth on this list was recently killed (June 2, 2004) during an alleged robbery attempt.

²⁵ The function of locating absconders was established in August 2003 as an initiative directed at committed youth of YSA who abscond from their assigned or mandated YSA operated or contracted community based facilities. On January 15, 2004, this initiative was expanded under the auspices of the D.C. Superior Court to include the compilation of information and data on the detained youth, who have court ordered placements with YSA, specifically in one of the community-based programs, i.e.; shelter homes, home detention, or electronic monitoring.

²⁶ Draft procedures and protocols for the Absconders Outreach Initiative, submitted by the Deputy Administrator for DCCP, state that, “[i]f the child cannot be reached at home /via phone, [the Absconder Locator Component (ALC)] staff will continue to try and locate the youth. They will visit the youth’s school or place of employment; canvass the neighborhood, and any other location(s) the youth is known to frequent.” District of Columbia Youth Services Administration Division of Court and Community Programs, Draft Absconder Outreach Initiative Procedures and Protocols 2 (May 12, 2004).

KEY FINDINGS

b. There does not appear to be an adequate exchange of information or close coordination between YSA and MPD in attempts to locate absconders.

Only MPD has the authority to detain and arrest an absconded youth after a custody order has been filed.²⁷ YSA and MPD have an agreement stipulating that MPD officers shall attempt to locate children in coordination with YSA.²⁸

In order for MPD to apprehend a youth, it is imperative that YSA notifies MPD as soon as a custody order has been signed. However, DCCP Abscondence Tracking Reports from August 2003 to April 2004 show that ALC made only 14 contacts with MPD during this time, although custody orders had been signed for all 68 youths currently in absconded status. ALC has no detailed procedures or guidance regarding contacts with MPD, and employees stated they only contact MPD when a judge has signed a custody order *and* they can confirm the location of a youth. Such confirmation, however, is clearly unlikely since ALC makes only minimal efforts to locate absconded youths. This breakdown in coordination and communication also makes it unlikely that MPD will locate and apprehend an absconded youth in a timely manner.

YSA's notifications to MPD on absconders should include background information, a physical description, a photograph of the youth, and contact information on family and friends. The team could not determine exactly what identifying information YSA transmits to MPD on absconded youths, but did conclude that no photographs are sent, because none are taken during the intake process.

29 DCMR § 6257.3(g) states, in part, that not more than 48 hours after a youth's admission, a YSA facility shall complete an admissions record that includes a current photograph of the resident. The team reviewed approximately 40 files of youths assigned to the 14 YSA group and shelter homes, and found that none of the files contained photographs that could help identification. Without photographs, both ALC employees and law enforcement officers must rely on written physical descriptions of absconded youths, which are often poorly written and are incomplete. This obviously adds to the difficulty of locating youths and making an accurate identification.

MPD's Youth and Family Services Division²⁹ also does not appear to have up-to-date policies and procedures regarding coordination with YSA or that specify MPD actions to locate absconded youth. Both YSA and MPD employees stated that a Memorandum of Understanding

²⁷ ALC employees do not have law enforcement authority, and cannot apprehend or arrest a youth who has absconded. MPD can only apprehend a youth for absconding after a Superior Court judge has signed a custody order, ordering the youth's return to the group or shelter home from which the youth absconded.

²⁸ Agreement among the D.C. Superior Court, Metropolitan Police Department, the Corporation Counsel, the LaShawn General Receivership on Behalf of Child and Family Services Agency of the Department of Human Services, and the Department of Human Services Youth Services Administration.

²⁹ According to the agreement, the Youth and Family Services Division of MPD will assign four officers to the MPD Abscondence Unit whose working hours are 5 a.m. to 1 p.m. Monday through Friday. In addition, the agreement states that MPD will provide pagers to the officers on duty with the Abscondence Unit to expedite communication with social workers, guardians, parents, caretakers, and other appropriate individuals.

KEY FINDINGS

(MOU) is being developed by the two agencies to increase communication and coordination, but no target date for its completion was identified.³⁰

A Management Alert Report (MAR 04-I-010 at Appendix 3) addressing these issues was sent to the A/YSA. A copy of the A/YSA's response to the MAR is included at Appendix 4. The team will follow-up on the A/YSA's progress in correcting problems cited in the MAR.

Recommendations:

- a. That the A/YSA take immediate steps to ensure that all youths are photographed and that photos are placed in each case file maintained at DCCP and the group home.

Agree X Disagree _____

DHS's Response to IG's Recommendation:

By agreeing with this recommendation, DHS does not necessarily agree with OIG's factual findings. In fact, YSA adopts and incorporates herein its eight-page response to Management Alert Report 04-I-010 (set forth as Appendix 4 to this report) given some of OIG's critical misunderstandings of how the District of Columbia's juvenile justice system works, which ultimately affects the quality of the recommendations themselves. Notwithstanding YSA's detailed response to the MAR, those misunderstandings persist in this report in the narrative above. With an interest toward improving performance, however, YSA agrees with the objective of OIG's recommendation and further comments as follows:

Some of the information detailed in the report's key findings is incorrect or has been misinterpreted. The report first states that "consistent and systemic efforts are not being made to minimize the number of youths in absconder status (p. 27)." This statement is misleading because it approaches the issue only from a backdoor standpoint. The first step an agency needs to take to minimize the number of youth in abscondence is to place youth in appropriate settings. Considering that decisions to place youth in community are made by case managers and supervisors who consult with a youth's service providers at Oak Hill, residential treatment centers, and other organizations, and that many youth are placed in group homes based on the recommendation of the Multi-Agency Planning Team (MAPT), the IG's statement is both misleading and inaccurate.

The report later states that among the 69 youth then in abscondence, offenses ranged from unauthorized use of vehicle to murder. Although this statement is not inaccurate, it is grossly misleading for a number of reasons. First, usually when a range is given, the information will be presented from low to high or high to low. By setting the bottom of the range as UUV, the report incorrectly implies that these are the least serious offenses committed by youth in abscondence. In reality, there were other offenses that might be considered less serious, including drug

³⁰ According to YSA officials, this MOU is being developed among YSA, MPD, the District of Columbia Superior Court, and the Attorney General for the District of Columbia.

KEY FINDINGS

violations, destruction of property, disorderly conduct, and even prostitution. Secondly, rather than or in addition to providing a range, the report should have instead explained which offenses were most common. While it is true that murder is one of the offenses that youth were found involved, only one such case existed, and a total of three youth were found involved for a sex offense, aggravated assault or murder. In fact, 13 percent of the 69 youth were found involved of what the FBI's Uniformed Crime Reporting Program classifies as a Part I (most serious) offense, compared to more than a fifth of YSA's total committed population.

A more accurate depiction of the 69 youth in abscondence would state that a plurality (32%), were committed for drug offenses, and more broadly, a strong majority (64%) were committed for property offenses. Finally, irrespective of the offense, virtually all committed youth will be stepped down to a community placement at some point during their commitments. YSA continues to operate under the goal of placing youth in the "least restrictive setting" necessary considering the youth's individualized needs and public safety, and part of YSA's responsibilities for committed youth is to reintegrate them into life outside of an institutional facility. Therefore, the abscondence population may include youth who have committed all types of offenses in the past.

The report inaccurately states that YSA created the five-person Absconder Locator Component in 2003. While the absconder unit was initiated in 2003, it was not staffed with five employees until early 2004, when [REDACTED] and [REDACTED] came from Oak Hill.

The report later states that field investigations were conducted for only 20 of 68 abscondence cases. But based on the report's own definition of "field investigation," this assertion appears inaccurate on its face. Although the IG may appropriately question whether all components of a field investigation took place, the assertion that the ALC did not *conduct* an investigation is inaccurate. Whenever a case is referred to the ALC, a letter is sent to the last known address of the parents or guardian, and phone calls are placed to the family as well, thus satisfying at least some of the conditions for a field investigation as defined by the IG report.

While the report makes a convincing argument that there needs to be far more coordination between ALC staff and MPD, it leaves the false impression that MPD only knows of an absconder if YSA staff notify them. The report states, "In order for MPD to apprehend a youth, it is imperative that YSA notify MPD as soon as a custody order has been signed." But MPD is notified when a custody order is signed by its WALES system, and D.C. Superior Court employees supply the custody order information. Moreover, both shelter and group homes are required to notify MPD directly of an absconder from their facility.

Also, in the same paragraph on p. 29, the report refers to the "minimal efforts" by the ALC to locate absconded youth. The word "minimal" is pejorative in this context, and should be replaced by the actual tasks that the ALC is failing to perform.

Nevertheless, YSA agrees that all youth court-ordered into YSA's custody need to be photographed, and that these photographs need to be placed in each youth's electronic and hard case files. YSA is working with the Office of the Chief Technology Officer (OCTO) to ensure that the new case management system will have the capability to display digital pictures of

KEY FINDINGS

youth. Currently, however, it must be understood that youth confidentiality laws prohibit YSA from sharing these photographs with law enforcement, even to coordinate the return of an absconder.

- b. That the A/YSA immediately put into place interim procedures and performance standards for the ALC until a permanent document is approved. We recommend that the procedures emphasize the need for: prompt notification of MPD when custody orders have been signed; transmitting key identifying information to MPD, including photographs; the conduct of field investigations in all cases; and diligence in efforts to locate absconders as soon as possible.

Agree _____ Disagree X

DHS's Response to IG's Recommendation:

YSA adopts and incorporates herein its eight-page response to Management Alert Report 04-I-010 (set forth as Appendix 4 to this report) given some of OIG's critical misunderstandings of how the District of Columbia's juvenile justice system works, which ultimately affects the quality of the recommendations themselves. Notwithstanding YSA's detailed response to the MAR, those misunderstandings persist in this report in the narrative above. With an interest toward improving performance, however, YSA understands the objective of OIG's recommendation and further comments as follows:

While YSA needs to develop performance standards for the Absconder Locator Unit (ALC), YSA disagrees that interim procedures need to be put in place. In a document dated May 12, 2004, YSA drafted procedures and protocols for what was referred to as the Absconders Outreach Initiative (AOI). This document includes, as recommended by the OIG, procedures for the conduct of field investigations. YSA's procedures ought to include the transmittal of key identifying information to the Metropolitan Police Department, including, as stated in Recommendation 8a, photographs of the youth once it is legally permissible. However, as explained in YSA's response to the MAR in this regard, YSA does not need to notify MPD when a custody order has been signed because MPD receives notification of all signed custody orders through the WALES system. This information is transmitted directly from D.C. Superior Court, so MPD is already receiving timely notification of absconders. Moreover, both shelter and group homes notify MPD directly when youth abscond from their facilities.

OIG Response: The OIG stands by this recommendation, and further recommends that YSA adopt formal procedures that will better assist MPD in locating absconders.

- c. That the A/YSA seek to expedite approval among all concerned agencies of the draft MOU on abscondence policies and procedures, so that ALC and MPD roles and responsibilities regarding locating and apprehending absconders can be clarified and implemented quickly.

Agree X Disagree _____

KEY FINDINGS

DHS's Response to IG's Recommendation:

By agreeing with this recommendation, DHS does not necessarily agree with OIG's factual findings. In fact, YSA adopts and incorporates herein its eight-page response to Management Alert Report 04-I-010 (set forth as Appendix 4 to this report) given some of OIG's critical misunderstandings of how the District of Columbia's juvenile justice system works, which ultimately affects the quality of the recommendations themselves. Notwithstanding YSA's detailed response to the MAR, those misunderstandings persist in this report in the narrative above. With an interest toward improving performance, however, YSA agrees with the objective of OIG's recommendation and further comments as follows:

DHS agrees that there is a need to expedite approval of the draft MOU on abscondence policies, especially with respect to the roles of MPD and YSA's Absconder Locator Unit in locating and apprehending absconders.

9. DCCP lacks written policies and procedures for many key operations.

ACA recommends and best practices suggest that each department and administrative unit within the organization maintain and make available to employees a standard operation procedures manual that specifies how policies are to be implemented. The written policies and procedures should assist employees in completing assignments and ensuring compliance with the department or unit's policies and procedures.

The team found that DCCP lacks written policies and procedures for many operations, including the key operations of administration, group and shelter homes, aftercare services, and alternative detention services. DCCP officials stated that many policies are being re-written, but could not provide the team with either completion dates or any existing policies and procedures for many of these areas.

The lack of written policies and procedures may contribute to inconsistency in daily operations, and does not provide assurance to District stakeholders that proper services and treatment are being provided to youths served by DCCP.

Recommendation:

That the A/YSA expedite the process of establishing written policies and procedures for all key functions within DCCP.

Agree X Disagree _____

DHS's Response to IG's Recommendation:

By agreeing with this recommendation, YSA does not necessarily agree with OIG's factual findings. YSA agrees that there is a need to establish written policies and procedures for key functions and operations within DCCP. However, YSA does not agree that all key functions and operations require the establishment of policies and procedures as the following functions

KEY FINDINGS

currently have clearly written policies, procedures and guidelines: Alternatives to Detention, Court Liaison Support Services, Aftercare Case Management Services, and Licensing and Monitoring Services. Under the leadership of its new Division on Performance Management, YSA will update and establish policies and procedures for all key functions and operations provided by the DCCP.

10. DCCP apparently lacks updated position descriptions (PDs) and performance standards for all employees.

DPM Chapter 11A, Subpart 2, subsection 2.7 (a) states, in part:

[a] well-designed position description has clearly defined operations, tasks, duties, authorities, and responsibilities, and provision for supervisory control and supervisory requirements. This written record should clearly state what work is to be performed, how it is to be performed, what the consequences of errors are, and what specialized qualifications are needed to perform the duties. The official record of this information is usually called the position description.

In addition to the guidance in the DPM, ACA and best practices suggest that explicit performance standards be established for all employees.

The team made a written request for PDs and performance standards for all DCCP employees. DCCP did not provide PDs and performance standards for all DCCP job categories, including the important positions of the Deputy Administrator, Assistant Deputy Administrator for Diagnostic and Committed Services, Assistant Deputy Administrator for Intake and Detention Services, and Group Home Licensing and Certification employees. Several employees stated that their position descriptions were outdated, did not align with their actual duties, and that they were performing duties beyond the scope of the position and were not being adequately compensated.

Employees without accurate position descriptions may not have clearly defined tasks, authorities and responsibilities. In addition, the lack of performance standards does not allow managers, employees, and District stakeholders to adequately assess whether employees are adequately performing their duties.

Recommendation:

That the A/YSA establish written position descriptions and performance standards for all DCCP employees.

Agree X Disagree

KEY FINDINGS

DHS's Response to IG's Recommendation:

By agreeing with this recommendation, YSA does not necessarily agree with OIG's factual findings. YSA agrees that there is a need to establish current written position descriptions and performance standards for all of its employees to the extent they are out of date or inconsistent with actual duties and responsibilities.